

PETER J. SALMON (SBN 174386)  
MICHELLE A. MIERZWA (SBN 196175)  
THOMAS N. ABBOTT (SBN 245568)  
PITE DUNCAN, LLP  
525 E. Main Street  
P.O. Box 12289  
El Cajon, CA 92022-2289  
Telephone: (619) 590-1300  
Facsimile: (619) 590-1385  
E-Mail: tabbott@piteduncan.com

Attorneys for Defendant  
AURORA LOAN SERVICES LLC

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

MARIA R. METCALF,

Plaintiff,

v.

DREXEL LENDING GROUP, a California  
corporation, OLD REPUBLIC TITLE  
COMPANY, a California corporation;  
AURORA LOAN SERVICES LLC, a  
California limited liability company  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
Delaware corporation, and ROBERT E.  
WEISS INCORPORATION, a California  
Corporation,,

Defendants.

Case No. 3:08-cv-00731-W-POR

DECLARATION OF THOMAS N.  
ABBOTT IN SUPPORT OF AURORA  
LOAN SERVICES LLC'S OPPOSITION  
TO PLAINTIFF'S EX PARTE MOTION  
FOR INJUNCTIVE RELIEF

I, Thomas N. Abbott, declare as follows:

1. I am an attorney at law duly licensed to practice law in the State of California. I am an associate of the law firm of Pite & Duncan, LLP, attorneys of record for Defendant AURORA LOAN SERVICES LLC ("Aurora"). I have personal knowledge of the following facts regarding the litigation involving Plaintiff MARIA R. METCALF ("Plaintiff"), and if called upon to testify as a witness I could and would do so competently.

2. On June 25, 2008, I contacted the Las Colinas Detention Center in Santee, California by telephone. I inquired when Plaintiff's incarcerated commenced and whether she has been detained continuously since her incarceration began. I was told that Plaintiff was incarcerated on

1 December 11, 2007, and has been detained at the center continuously since that time. I further  
2 inquired whether her release date was known. The center informed me that Plaintiff is tentatively  
3 scheduled to be released on July 3, 2008.

4 3. On June 26, 2008, I obtained a copy of the summary of active charges against Maria  
5 R. Metcalf. A true and correct copy of the e-mail from the San Diego Sheriff summarizing the  
6 claims against Plaintiff is attached hereto as **Exhibit A**.

7  
8 I declare under penalty of perjury under the laws of the State of California that the foregoing  
9 is true and correct.

10 Executed this 26 day of June, 2008, at San Diego, California.

11  
12 

13 THOMAS N. ABBOTT  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT A

**Thomas N. Abbott**

---

**From:** netwebmaster@sdssheriff.org  
**Sent:** Thursday, June 26, 2008 12:01 PM  
**To:** Thomas N. Abbott  
**Subject:** San Diego County Sheriff - Request for Inmate Charges

Requested on Thursday, June 26, 2008 12:00:44 PM. The data contained in this web site should not be relied upon for any type of legal action. Anyone who uses this information to commit a crime or to harass an inmate or his or her family may be subject to criminal prosecution and civil liability. Extreme care must be taken in the use of information because mistaken identification may occur when relying solely upon a name to identify individuals.

ALTHOUGH THE INFORMATION ON THIS SITE IS BELIEVED TO BE CORRECT, INFORMATION IS PROVIDED ON AN AS IS BASIS, AND ACCURACY AND/OR COMPLETENESS CANNOT BE GUARANTEED. NO WARRANTY OF ANY KIND IS GIVEN WITH RESPECT TO THE CONTENTS OF THIS WEBSITE.

Requested charge information for booking number: 7791123 (Only active charges and arrests are shown.)

Arrest: 1  
Charge#: 1  
Bail Flag: H  
Bail Amount:\$0.00  
Description:INSUFICIENT FUND:CHECK/ETC  
Code:PC  
Statute:476A PC

Arrest: 1  
Charge#: 2  
Bail Flag: I  
Bail Amount:\$0.00  
Description:INSUFICIENT FUND:CHECK/ETC  
Code:PC  
Statute:476A(A) PC

Bail Flag Codes:  
Y or I - Charge is eligible for bail.  
H or N - Inmate may not be bailed out on that given charge.  
B - Bail is not required on this charge.

EXHIBIT A

1 Metcalf v. Drexel Lending Group; Aurora Loan Services  
United States District Court Southern District of California  
2 **Case No(s). 3:08-cv-00731-W-POR**

3 **DECLARATION OF SERVICE**

4 I, the undersigned, declare: I am, and was at the time of service of the papers herein referred  
to, over the age of 18 years, and not a party to this action. My business address is 525 E. Main  
5 Street, El Cajon, CA 92020.

6 On June 26, 2008, I served the following document(s):

- 7 1. Aurora Loan Services LLC's Memorandum of Points and Authorities in Opposition  
to Plaintiff's ex Parte Application for Emergency Injunction  
8 2. Request for Judicial Notice; and  
9 3. Declaration of Thomas N. Abbott in Support of Aurora Loan Services LLC's  
Opposition to Plaintiff's ex Parte Motion for Injunctive Relief

10 on the parties in this action addressed as follows:

11 Maria R. Metcalf  
954 Surrey Dr.  
12 Bonita, CA 91902

13 **X** **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above. I am  
readily familiar with the firm's practice of collection and processing correspondence for  
14 mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course  
of business. I am aware that on motion of party served, service is presumed invalid if postal  
15 cancellation date or postage meter date is more than one day after date of deposit for mailing  
in affidavit.

16 \_\_\_\_\_ **BY CERTIFIED MAIL:** I placed a true copy in a sealed envelope addressed as indicated  
above via certified mail, return receipt requested.

17 \_\_\_\_\_ **BY FACSIMILE:** I personally sent to the addressee's facsimile number a true copy of the  
above-described document(s). I verified transmission with a confirmation printed out by the  
18 facsimile machine used. Thereafter, I placed a true copy in a sealed envelope addressed and  
mailed as indicated above.

19 \_\_\_\_\_ **BY FEDERAL EXPRESS:** I placed a true copy in a sealed Federal Express envelope  
addressed as indicated above. I am familiar with the firm's practice of collection and  
20 processing correspondence for Federal Express delivery and that the documents served are  
deposited with Federal Express this date for overnight delivery.

21 I declare under penalty of perjury under the laws of the State of that the foregoing is true  
and correct.

22 Executed this 26<sup>th</sup> day of June, 2008, at San Diego, California.

23  
24  
25  
26   
Dottie Morris